

SPECBIC.017C



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Minkow, et al.

Appl. No. : 09/878,719

Filed : June 11, 2001

For : BICYCLE SADDLE WITH
CUTOUT

Examiner : Barfield, A.

) Group Art Unit 3636

) I hereby certify that this correspondence and all
) marked attachments are being deposited with the
) United States Postal Service as first-class mail in
) an envelope addressed to: Assistant
) Commissioner for Patents, Washington, D.C.
) 20231, on

) November 12, 2002

) (Date)

) Edward A. Schlatter, Reg. No. 32,297

RESPONSE TO OFFICE ACTION

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

RECEIVED

NOV 19 2002

GROUP 3600

Dear Sir:

In response to the Office Action mailed June 4, 2002 the following comments and arguments are presented.

REMARKS

Procedural History

Claims 25 and 26 are currently pending in the application.

Finality of Office Action Improper

Applicant respectfully disagrees with the finality of the office action mailed on June 4, 2002 and requests reconsideration and withdrawal of the finality of the office action as premature. According to M.P.E.P. 706.07 (a), "Under present practice, second or any subsequent actions on the merits shall be final..." Applicant respectfully points out that the office action mailed on June 4, 2002, was not a subsequent action on the merits; but rather, a *first* action on the merits. The first office action, which was mailed on November 8, 2001, did not address the merits.